



UNITED STATES PATENT AND TRADEMARK OFFICE

eln
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,500	11/20/2003	Yoshihiro Morii	245564US	6686

22850 7590 10/12/2006

C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

MARTINEZ, JOSEPH P

ART UNIT	PAPER NUMBER
----------	--------------

2873

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/716,500

Applicant(s)

MORII ET AL.

Examiner

Joseph P. Martinez

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 10/077,937.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8-23-06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9-15 are rejected under 35 U.S.C. 102(b) as being fully anticipated by Uchida (6424434).

Re claim 9, Uchida teaches for example in fig. 1, 2 and 5, a member mounting apparatus comprising: an image forming lens unit (4); a holding member (8) configured to hold said image forming lens unit; a solid state image input unit (7) configured to photoelectrically convert any image focused on said solid state image input unit by said image forming lens unit; a light source ("means for projecting"; col. 5, ln. 13-17); an object with an adjustment portion configured to aid ("chart"; col. 5, ln. 13-17) in positioning adjustment of at least the solid state image input unit, said adjustment portion of said object being positioned to be illuminated by said light source to generate an adjustment image to perform positioning adjustment of at least said solid state image input unit, said adjustment image being provided to said image forming lens unit and focused thereby on said solid state image input unit (col. 5, ln. 13-17); and a fixing and adjusting mechanism with at least a solid state image input unit operation portion.

Art Unit: 2873

configured to perform positioning adjustment said and solid state image input unit and to fix said solid state image input unit (col. 5, ln. 13-60); and a calculation unit (means for monitoring the output of the CCD; col. 5, ln. 15) configured to calculate a position (col. 5, ln. 18-20) of at least the solid state image input unit based on photoelectrically converted data (suitable output; col. 5, ln. 19) provided from the adjustment image (pattern; col. 5, ln. 22) focused on said solid state image input unit by said image forming lens unit (col. 5, ln. 18-26) and to provide the calculation result to at least said solid state image input unit position operation portion when position adjustment of said solid state image input unit is needed (col. 5, ln. 18-20).

Re claim 10, Uchida further teaches for example in fig. 1, 2 and 5, said adjustment portion comprises a chart (col. 5, ln. 13-17).

Re claim 11, Uchida further teaches for example in fig. 1, 2 and 5, the fixing and adjusting mechanism comprises a fixing table (5).

Re claim 12, Uchida further teaches for example in fig. 1, 2 and 5, the fixing and adjusting table (5) includes a further adjustment portion (1a, 1a', 1b, 1b', 11, 11', 12, 12', 21, 21', 22, 22', 23) to adjust a relative position of said fixing table (fig. 5).

Re claim 13, Uchida further teaches for example in fig. 1, 2 and 5, the further adjustment portion includes parts (1a, 1a', 1b, 1b', 11, 11', 12, 12', 21, 21', 22, 22', 23)

Art Unit: 2873

configured to adjust a relative position of said fixing table (5) in at least two different directions (fig.5; col. 5, ln. 30-60).

Re claim 14, Uchida further teaches for example in fig. 1, 2 and 5, said fixing table (5) mounts (via 2, 3 and 8; col. 4, ln. 42-61) the image forming lens (4) unit and one of said further adjustment portion parts (1a, 1a', 1b, 1b', 11, 11', 12, 12', 21, 21', 22, 22', 23) is configured to adjust a position of an optical axis if said image forming lens unit by adjusting (col. 5, ln. 30-60) the relative position of the fixing table (5) in a first one of the two different directions (fig. 5; col. 5, ln. 30-60).

Re claim 15, Uchida further teaches for example in fig. 1, 2 and 5, a second one of said further adjustment portion parts (1a, 1a', 1b, 1b', 11, 11', 12, 12', 21, 21', 22, 22', 23) is configured to adjust a position of the fixing table relative to the object (col. 5, ln. 18-23) with an adjustment portion along a second one of the two different directions (fig. 5; col. 5, ln. 30-60).

Response to Arguments

Applicant's arguments filed 9-27-06 have been fully considered but they are not persuasive.

Re applicant's arguments on p. 10, wherein the applicant argues that the prior art does not disclose a calculation unit configured to calculate a position of at least the solid state image input unit based on photoelectrically converted data provided from the

Art Unit: 2873

adjustment image focused on said solid state image input unit by said image forming lens unit and to provide the calculation result to at least said solid state image input unit position operation portion when position adjustment of said solid state image input unit is needed, have been considered, but are not persuasive. Uchida (6424434) explicitly teaches a calculation unit (means for monitoring the output of the CCD; col. 5, ln. 15) configured to calculate a position (col. 5, ln. 18-20) of at least the solid state image input unit based on photoelectrically converted data (suitable output; col. 5, ln. 19) provided from the adjustment image (pattern; col. 5, ln. 22) focused on said solid state image input unit by said image forming lens unit (col. 5, ln. 18-26) and to provide the calculation result to at least said solid state image input unit position operation portion when position adjustment of said solid state image input unit is needed (col. 5, ln. 18-20).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2873

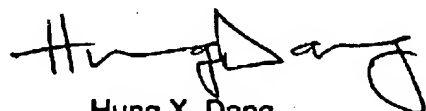
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph P. Martinez whose telephone number is 571-272-2335. The examiner can normally be reached on M-F 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
10-11-06



Hung X. Dang
Primary Examiner
TC 2800